

(Del. Rev. 12/98)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

John S. Shipley and
Rochelle D Shipley
(Name of Plaintiff or Plaintiffs)

v.

CIVIL ACTION NO. 08 341

New Castle County Sub Division
OR THE STATE OF DELAWARE
Hershal Purohit, Donna Thompson
(Name of Defendant or Defendants)

COMPLAINT

1. This action is brought pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343
U.S.C. § 2201 (Federal statute on which action is based)
for discrimination related to Race jurisdiction exists by virtue of
(In what area did discrimination occur? e.g. race, sex, religion)
42 U.S.C. § 1981, 1982, 1983 1985(3) and 1986
(Federal statute on which jurisdiction is based) Article 4 of The Constitution and
13th Amendment ment.
2. Plaintiff resides at 609 W. 1st Ave
(Street Address)
New Castle County 19720
(City) (County) (State) (Zip Code)
(302) 656-5050
(Area Code) (Phone Number)
3. Defendant resides at, or its business is located at 87 Reads Way
(Street Address)

(City) (County) (State) (Zip Code)
4. The alleged discriminatory acts occurred on 6, 21, 07
(Day) (Month) (Year)
5. The alleged discriminatory practice ☒ is ☐ is not continuing.

2008 JUN -9 PM 4:29
CLERK OF DISTRICT COURT

6. Plaintiff(s) filed charges with the _____
(Agency)

(Street Address) (City) (County) (State) (Zip)
regarding defendant(s) alleged discriminatory conduct on: _____
(Date)

7. Attach decision of the agency which investigated the charges referred in paragraph 6 above.

8. Was an appeal taken from the agency's decision? Yes ☐ No ☐

If yes, to whom was the appeal taken? _____

9. The discriminatory acts alleged in this suit concern: (Describe facts on additional sheets if necessary)

The Superior Court denied the Shipley's Plaintiff a trial or hearing on the merits concerning their property. the Shipley's have ~~not~~ been denied due process rights under the United States Constitution. The County has ~~asserted~~ ^{filed} false statements claiming Shipley's taxes are not paid which is false.

10. Defendant's conduct is discriminatory with respect to the following:

- A. ☒ Plaintiff's race
- B. ☐ Plaintiff's color
- C. ☐ Plaintiff's sex
- D. ☐ Plaintiff's religion
- E. ☐ Plaintiff's national origin

11. Plaintiff prays for the following relief: (Indicate the exact relief requested)

The Federal Court stay the
Sheriff Sale and Give the Shipkeys
a opportunity to be heard and
in the District Court.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

6/9/08


(Signature of Plaintiff)

OTT-10-002
— Mon 234

M O N I T I O N

TAKE WARNING

To all persons having or claiming to have any title, interest or lien upon the within described premises, take warning that unless the judgment for the taxes or assessment stated herein is paid within twenty days after the date hereof, or within such period of twenty days evidence of the payment of the taxes herein claimed shall be filed in the Office of the Prothonotary for New Castle County, Delaware, which evidence shall be in the form of a receipted tax bill or duplicate thereof, bearing a date prior to the filing of the lien in the Office of the Prothonotary for New Castle County, New Castle County may proceed to sell the property herein mentioned or described for the judgment for the taxes or assessments herein stated.

Name of Person in Whose Name Property is Assessed	Year or Years	Amount of Judgment for County Taxes
John S. and Rochelle D. Shipley	2006 – 2007	\$3,998.40 + Costs

Description of Property
As it Appears Upon Assessment Rolls
of New Castle County

609 Wildel Avenue
.33 Acres
Parcel No.:10-010.30-052

ISSUED this 11 day of Oct, A.D. 2007

FILED
PROTHONOTARY

07 OCT 23 AM 11:48

Prothonotary, New Castle County

PER

DEPUTY

POSTED this 15th day of Oct, A.D. 2007



2007 OCT 12 AM 9:34

IN SHERIFF'S HANDS
NEW CASTLE COUNTY

Sheriff, New Castle County

So Ans:
Sheriff

Michael D. Waffel Exhibit A
7 in Paid Page 5

Michael D. Waffel

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

John S. Shipky and
 Rochelle B. Shipky

(b) County of Residence of First Listed Plaintiff
 (EXCEPT IN U.S. PLAINTIFF CASES)

John S. Shipky
 609 Wilde V Ave Newcastle
 (c) Attorney's (Firm Name, Address, and Telephone Number)
 (303) 656-5050

DEFENDANTS

Newcastle CODE ENFORCEMENT
 Henshal Purohit Donna
 Thompson

County of Residence of First Listed Defendant
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
 LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

- (Place an "X" in One Box Only)
- ☐ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1331
 Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 08 341

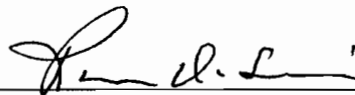
ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 3 COPIES OF AO FORM 85.

6/9/08

(Date forms issued)



(Signature of Party or their Representative)

(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action

TAXES

SUPPLEMENTAL
TAX BILLING

NEW CASTLE COUNTY
2/13/2008 11:28AM Rec: 0005 00028763
Loc:WIND WS:003 CR:020 PD:2/13/2008
Account Number:1001030052 WI
SHIPLEY JOHN S & ROCHELLE,
609 WILDEL AV
Paid by:
Property Tax Pmt \$713.87

COUNTY AND OTHER TAXES

For inquiries concerning your County tax bill, please call (302) 323-2600

Tax	Taxable Assessment	X	Rate/\$100 Assessment	X	%	=	Current Amount
Total Current Tax							0.00
Prior Balance							180.79
Penalty							10.85
TOTAL COUNTY AND OTHER TAXES DUE							191.64

NEW CASTLE COUNTY
2/13/2008 11:28AM Rec: 0005 00028764
Loc:WIND WS:003 CR:020 PD:2/13/2008
Account Number:1001030052 WI
SHIPLEY JOHN S & ROCHELLE,
609 WILDEL AV
Paid by:
Sewer Payment \$50.00
CA Paid \$765.00
CHANGE \$1.13

LOCAL SCHOOL DISTRICT TAXES STATE OF DELAWARE

are set by your school district and are collected by New Castle County as required by State
ies concerning your school tax rates, please call -
ational:

1 District	Taxable Assessment	X	Rate/\$100 Assessment	X	%	=	Current Amount
Total Current Tax							0.00
Prior Balance							468.18
Penalty							28.09
TOTAL SCHOOL DISTRICT TAXES DUE							496.27

Exempt Codes
NONE

PAST DUE

TOTAL SCHOOL AND COUNTY TAXES DUE **687.91**

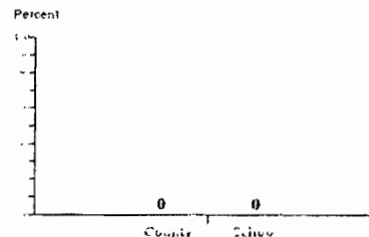
Bills are due and payable upon receipt. Statutory penalties will be applied if payment is not received by 10/31/2007 without regard to postmark.

Current amounts becoming past due will be assessed an immediate penalty of 6%. ALL accounts will be charged an additional 1% penalty on the first of every month thereafter.

Unpaid taxes constitute a lien against your property. Failure to make timely payment may subject your property to foreclosure.

PLEASE NOTE ANY CHANGE OF
MAILING ADDRESS ON THE REVERSE SIDE

Percentage of Current Taxes



THIS PORTION IS FOR YOUR RECORDS

NEW CASTLE COUNTY
7/20/2007 10:29AM Rec: 0009 00021626
Loc:WIND WS:003 CR:766 PD:7/20/2007
Account Number: 1001030052 WI
SHIPLEY JOHN S & ROCHELLE,
609 WILDEL AV
Paid by:
Sewer Payment \$115.25
CA Paid \$500.00
CA Paid \$500.00
CHANGE \$30.00
\$1.00

NEW CASTLE COUNTY
7/20/2007 10:29AM Rec: 0009 00021625
Loc:WIND WS:003 CR:766 PD:7/20/2007
Account Number: 1001030052 WI
SHIPLEY JOHN S & ROCHELLE,
609 WILDEL AV
Paid by:
School Tax Payment \$1,025.03

NEW CASTLE COUNTY
7/20/2007 10:29AM Rec: 0009 00021624
Loc:WIND WS:003 CR:766 PD:7/20/2007
Account Number: 1001030052 WI
SHIPLEY JOHN S & ROCHELLE,
609 WILDEL AV
Paid by:
Property Tax Pmt \$367.64

Exhibit
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